

FINAL ORDER NO. 6387

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION
1701 Prospect Avenue, PO Box 202601
Helena, Montana 59620-2601

IN THE MATTER OF Ron & Debbie Kindsfather)
dba Billings Trolley Co., Billings, Montana,)
application for a Montana Intrastate Certificate) Docket No. T-95.47.PCN
of Public Convenience and Necessity.) Order No. 6387

The Commission, being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On August 28, 1995, Ron & Debbie Kindsfather dba Billings Trolley Co., 1509 Rosebud Lane, Billings MT 59101, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:

Class B - Passengers between all points and places within Big Horn, Carbon, Musselshell, Stillwater, and Yellowstone Counties.

Limitations: 1. Transportation must originate or terminate in Yellowstone County. 2. Transportation is restricted to twenty-six (26) passengers or less. 3. Transportation is restricted to trolley car only. 4. Transportation of Burlington Northern crews is prohibited. 5. Service is restricted to that provided by reservation made at least one (1) hour in advance. 6. Transportation in charter service is prohibited.

2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public September 6, 1995 . That notice said in pertinent part:

If no written protests are received by September 26, 1995 , a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by Two Shews, Inc., Billings Yellow Cab, Billings, Montana; Foosco, Inc. dba City Cab, Billings, Montana; and Silver Eagle Shuttle, Inc., Billings, Montana.

4. Notice of public hearing was issued November 7, 1995, with hearing scheduled for Friday, December 15, 1995, in Billings, Montana. Prior to the hearing date, Applicant restrictively amended the

application and all protests were subsequently withdrawn. The amendments are incorporated into the Order granting authority herein..

5. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, PO Box 202601, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on the 4th day of December, 1995, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-95.47.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of Ron & Debbie Kindsfather dba Billings Trolley Co., Billings, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class B - Passengers between all points and places within Big Horn, Carbon, Musselshell, Stillwater, and Yellowstone Counties.

Limitations: 1. Transportation must originate and terminate in Yellowstone County (originate in and return to Yellowstone County). 2. Transportation is restricted to not more than twenty-six (26) passengers or less than six (6) passengers. 3. Transportation is restricted to that provided by a vintage attraction trolley car or trolley bus, converted to nonelectric drive. 4. Transportation of Burlington Northern crews is prohibited. 5. Service is restricted to that provided by reservation made at least one (1) hour in advance. 6. Transportation in charter service is prohibited.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, **IN OPEN SESSION** at Helena, Montana, this 4th day of December, 1995, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

NANCY McCAFFREE, Chair

DAVE FISHER, Vice Chair

BOB ANDERSON, Commissioner

DANNY OBERG, Commissioner

BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.